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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,693	02/08/2002	Andreas Dieterle	DT-6067	2085
30377	7590 06/04/2003			
DAVID TOREN, ESQ.			EXAMINER	
SIDLEY, AUS 787 SEVENTE	STIN, BROWN & WOOD, H AVENUE	LLP	LOPEZ, MICHELLE	
NEW YORK, NY 10019-6018		ART UNIT	PAPER NUMBER	
			3721	
			DATE MAILED: 06/04/2003	3

Please find below and/or attached an Office communication concerning this application or proceeding.

				PK
·		Application No.	Applicant(s)	
	0554.40	10/071,693	DIETERLE ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Michelle Lopez	3721	
Period fo	The MAILING DATE of this communication app or Reply	pears on the cov r she t	with the correspondence address	ss
THE - Exte after - If the - If NC - Failu - Any	ORTENED STATUTORY PERIOD FOR REPL' MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period v irre to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may y within the statutory minimum of t will apply and will expire SIX (6) M , cause the application to become	a reply be timely filed hirty (30) days will be considered timely. ONTHS from the mailing date of this commu. ABANDONED (35 U.S.C. § 133)	unication.
1)	Responsive to communication(s) filed on <u>08 F</u>	Eebruary 2002	•	
2a)□		is action is non-final.		
3)	Since this application is in condition for allowa		natters increscution as to the m	perite ie
•	closed in accordance with the practice under			CHO IS
	ion of Claims			
•	Claim(s) <u>1-10</u> is/are pending in the application			
	4a) Of the above claim(s) is/are withdray	wn from consideration.		
	Claim(s) is/are allowed.	9-4		
	Claim(s) is/are rejected.			
	Claim(s) is/are objected to.	-1		
•	Claim(s) <u>1-10</u> are subject to restriction and/or e	election requirement.		
	The specification is objected to by the Examine	r.		
′=	The drawing(s) filed on is/are: a)☐ accep		the Examiner.	
,	Applicant may not request that any objection to the			
11)[The proposed drawing correction filed on	•	•	
	If approved, corrected drawings are required in rep	oly to this Office action.		
12) 🔲 🤄	The oath or declaration is objected to by the Ex	aminer.		
Priority u	ınder 35 U.S.C. §§ 119 and 120			
13)[Acknowledgment is made of a claim for foreign	priority under 35 U.S.C	c. § 119(a)-(d) or (f).	
a)[☐ All b)☐ Some * c)☐ None of:			
	1. Certified copies of the priority documents	s have been received.		
	2. Certified copies of the priority documents	s have been received in	Application No	
* S	3. Copies of the certified copies of the prior application from the International But See the attached detailed Office action for a list	reau (PCT Rule 17.2(a))).	ge
14) 🗌 A	acknowledgment is made of a claim for domestic	c priority under 35 U.S.0	C. § 119(e) (to a provisional app	olication).
)			
Attachmen	t(s)			
2) 🔲 Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	w Summary (PTO-413) Paper No(s) of Informal Patent Application (PTO-15	
Patent and Tr	1 0			

Application/Control Number: 10/071,693

Art Unit: 3721

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Election/Restrictions

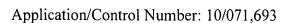
This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. Species I: The embodiment shown in Fig. 1
- b. Species II: The embodiment shown in Fig. 6
- c. Species III: The embodiment shown in Fig. 10
- d. Species IV: The embodiment shown in Fig. 14
- e. Species V: The embodiment shown in Fig. 15

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).



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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7769 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ML

March 24, 2003

Rinaldi I. Rada
Supervisory Patent Examiner

Group 3700